

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 36

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time February 28, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6715S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2018, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed
2 and one new section adopted in lieu thereof, to be known as section 30(b), to read
3 as follows:

Section 30(b). 1. For the **sole and exclusive** purpose of constructing and
2 maintaining an adequate system of connected state highways all state revenue
3 derived from highway users as an incident to their use or right to use the
4 highways of the state, including all state license fees and taxes upon motor
5 vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the
6 privilege of the manufacture, receipt, storage, distribution, sale or use thereof
7 (excepting those portions of the sales tax on motor vehicles and trailers which are
8 not distributed to the state road fund pursuant to subsection 2 of this section
9 30(b) and further excepting all property taxes), less the (1) actual cost of
10 collection of the department of revenue (but not to exceed three percent of the
11 particular tax or fee collected), (2) actual cost of refunds for overpayments and
12 erroneous payments of such taxes and fees and maintaining retirement programs
13 as permitted by law and (3) actual cost of the state highway patrol in
14 administering and enforcing any state motor vehicle laws and traffic regulations,

15 shall be deposited in the state road fund which is hereby created within the state
16 treasury and stand appropriated without legislative action to be used and
17 expended by the highways and transportation commission for the following
18 purposes, and no other:

19 First, to the payment of the principal and interest on any outstanding
20 state road bonds. The term state road bonds in this section 30(b) means any
21 bonds or refunding bonds issued by the highways and transportation commission
22 to finance or refinance the construction or reconstruction of the state highway
23 system.

24 Second, to maintain a balance in the state road fund in the amount
25 deemed necessary to meet the payment of the principal and interest of any state
26 road bonds for the next succeeding twelve months.

27 The remaining balance in the state road fund shall be used and expended
28 in the sole discretion of and under the supervision and direction of the highways
29 and transportation commission for the following state highway system uses and
30 purposes and no other:

31 (1) To complete and widen or otherwise improve and maintain the state
32 highway system heretofore designated and laid out under existing laws;

33 (2) To reimburse the various counties and other political subdivisions of
34 the state, except incorporated cities and towns, for money expended by them in
35 the construction or acquisition of roads and bridges now or hereafter taken over
36 by the highways and transportation commission as permanent parts of the state
37 highway system, to the extent of the value to the state of such roads and bridges
38 at the time taken over, not exceeding in any case the amount expended by such
39 counties and subdivisions in the construction or acquisition of such roads and
40 bridges, except that the highways and transportation commission may, in its
41 discretion, repay, or agree to repay, any cash advanced by a county or subdivision
42 to expedite state road construction or improvement;

43 (3) In the discretion of the commission to plan, locate, relocate, establish,
44 acquire, construct and maintain the following:

45 (a) interstate and primary highways within the state;

46 (b) supplementary state highways and bridges in each county of the state;

47 (c) state highways and bridges in, to and through state parks, public areas
48 and reservations, and state institutions now or hereafter established to connect
49 the same with the state highways, and also national, state or local parkways,
50 travelways, tourways, with coordinated facilities;

51 (d) any tunnel or interstate bridge or part thereof, where necessary to
52 connect the state highways of this state with those of other states;

53 (e) any highway within the state when necessary to comply with any
54 federal law or requirement which is or shall become a condition to the receipt of
55 federal funds;

56 (f) any highway in any city or town which is found necessary as a
57 continuation of any state or federal highway, or any connection therewith, into
58 and through such city or town; and

59 (g) additional state highways, bridges and tunnels, either in congested
60 traffic areas of the state or where needed to facilitate and expedite the movement
61 of through traffic.

62 (4) To acquire materials, equipment and buildings and to employ such
63 personnel as necessary for the purposes described in this subsection 1; and

64 (5) For such other purposes and contingencies relating and appertaining
65 to the construction and maintenance of such state highway system as the
66 highways and transportation commission may deem necessary and proper.

67 **(6) No revenues or fund balances authorized under this section**
68 **shall in any way be diverted for purposes other than those specifically**
69 **authorized by this section.**

70 2. (1) The state sales tax upon the sale of motor vehicles, trailers,
71 motorcycles, mopeds and motortricycles at the rate provided by law on November
72 2, 2004, is levied and imposed by this section until the rate is changed by law or
73 constitutional amendment.

74 (2) One-half of the proceeds from the state sales tax on all motor vehicles,
75 trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway
76 and transportation use and shall be apportioned and distributed as follows: ten
77 percent to the counties, fifteen percent to the cities, two percent to be deposited
78 in the state transportation fund, which is hereby created within the state
79 treasury to be used in a manner provided by law and seventy-three percent to be
80 deposited in the state road fund. The amounts apportioned and distributed to the
81 counties and cities shall be further allocated and used as provided in section 30(a)
82 of this article. The amounts allocated and distributed to the highways and
83 transportation commission for the state road fund shall be used as provided in
84 subsection 1 of this section 30(b). The sales taxes which are apportioned and
85 distributed pursuant to this subdivision (2) shall not include those taxes levied
86 and imposed pursuant to sections 43(a) or 47(a) of this article. The term

87 "proceeds from the state sales tax" as used in this subdivision (2) shall mean and
88 include all revenues received by the department of revenue from the said sales
89 tax, reduced only by refunds for overpayments and erroneous payments of such
90 tax as permitted by law and actual costs of collection by the department of
91 revenue (but not to exceed three percent of the amount collected).

92 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five
93 percent of the remaining one-half of the proceeds of the state sales tax on all
94 motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not
95 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
96 deposited in the state road bond fund which is hereby created within the state
97 treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
98 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,
99 trailers, motorcycles, mopeds and motortricycles which is not distributed by
100 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state
101 road bond fund; (iii) from and after July 1, 2007, through June 30, 2008,
102 seventy-five percent of the aforesaid one-half of the proceeds of the state sales
103 tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
104 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
105 deposited in the state road bond fund; and (iv) from and after July 1, 2008, one
106 hundred percent of the aforesaid one-half of the proceeds of the state sales tax on
107 all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not
108 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
109 deposited in the state road bond fund. Moneys deposited in the state road bond
110 fund are hereby dedicated to and shall only be used to fund the repayment of
111 bonds issued by the highways and transportation commission to fund the
112 construction and reconstruction of the state highway system or to fund refunding
113 bonds, except that after January 1, 2009, that portion of the moneys in the state
114 road bond fund which the commissioner of administration and the highways and
115 transportation commission each certify is not needed to make payments upon said
116 bonds or to maintain an adequate reserve for making future payments upon said
117 bonds may be appropriated to the state road fund. The highways and
118 transportation commission shall have authority to issue state road bonds for the
119 uses set forth in this subdivision (3). The net proceeds received from the issuance
120 of such bonds shall be paid into the state road fund and shall only be used to
121 fund construction or reconstruction of specific projects for parts of the state
122 highway system as determined by the highways and transportation

123 commission. The moneys deposited in the state road bond fund shall only be
124 withdrawn by appropriation pursuant to this constitution. No obligation for the
125 payment of moneys so appropriated shall be paid unless the commissioner of
126 administration certifies it for payment and further certifies that the expenditure
127 is for a use which is specifically authorized by the provisions of this subdivision
128 (3). The proceeds of the sales tax which are subject to allocation and deposit into
129 the state road bond fund pursuant to this subdivision (3) shall not include the
130 proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)
131 of this article nor shall they include the proceeds of that portion of the sales tax
132 apportioned, distributed and dedicated to the school district trust fund on
133 November 2, 2004. The term "proceeds from the state sales tax" as used in this
134 subdivision (3) shall mean and include all revenues received by the department
135 of revenue from the said sales tax, reduced only by refunds for overpayments and
136 erroneous payments of such tax as permitted by law and actual costs of collection
137 by the department of revenue (but not to exceed three percent of the amount
138 collected).

139 3. After January 1, 1980, any increase in state license fees and taxes on
140 motor vehicles, trailers, motorcycles, mopeds and motortricycles other than those
141 taxes distributed pursuant to subsection 2 of this section 30(b) shall be
142 distributed as follows: ten percent to the counties, fifteen percent to the cities and
143 seventy-five percent to be deposited in the state road fund. The amounts
144 distributed shall be apportioned and distributed to the counties and cities as
145 provided in section 30(a) of this article, to be used for highway purposes.

146 4. The moneys apportioned or distributed under this section to the state
147 road fund, the state transportation fund, the state road bond fund, counties,
148 cities, towns or villages shall not be included within the definition of "total state
149 revenues" as that term is used in section 17 of Article X of this constitution nor
150 be considered as an "expense of state government" as that term is used in section
151 20 of article X of this constitution.

152 **5. In order to provide for adequate law enforcement on state**
153 **roads and throughout the state, an additional sales tax of four-tenths**
154 **of one percent is hereby adopted and imposed upon all sellers for the**
155 **privilege of selling tangible personal property or rendering taxable**
156 **services at retail in this state upon the sales and services which now**
157 **are listed and set forth in, and, except as to the amount of tax, subject**
158 **to the provisions of and to be collected as provided in the "Sales Tax**

159 Law" and subject to the rules and regulations promulgated in
160 connection therewith.

161 6. The "Missouri Law Enforcement Trust Fund" is hereby
162 established, and all revenues generated by the tax in subsection 5 of
163 this section shall be deposited into the fund. To the extent any
164 amounts in the fund are not appropriated by the general assembly in
165 any fiscal year, such unappropriated funds shall remain in the fund for
166 future appropriations consistent with this section, and no balances
167 shall be diverted or otherwise appropriated except as authorized by
168 this section. No funds shall be expended from the fund prior to July 1,
169 2019. The general assembly shall appropriate funds from the fund
170 solely as follows:

171 (1) To provide for the actual cost of an annual audit of all funds
172 raised or expended under this section;

173 (2) To provide for the actual cost of the state highway patrol in
174 administering and enforcing any state motor vehicle laws or traffic
175 regulations, or for such other state highway patrol functions as the
176 general assembly shall deem appropriate;

177 (3) To provide funds for grants to municipal and county law
178 enforcement agencies for equipment and training, and to provide for
179 the families of law enforcement officers killed in the line of duty as
180 authorized by law, provided that not more ten percent of the revenue
181 generated under subsection 5 in a fiscal year shall be appropriated for
182 grants or programs under this subdivision in such fiscal year.

183 7. The state auditor shall annually conduct an audit of the funds
184 raised and expenditures authorized under subsections 5 to 8 of this
185 section and shall release the report publicly to the taxpayers.

186 8. The provisions of subsections 5 to 8 of this section shall
187 become effective July 1, 2019.

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